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VIRGINIA LEGISLATIVE PAPERS.

FROM ORIGINALS IN THE VIRGINIA STATE ARCHIVES.

(CONTINUED FROM XIII, 50.)

[ELECTION OF DELEGATES IN BERKELEY COUNTY, 1775*.]

Advertisement.†

The Gentlemen of the Committee for Berkeley are Requested to meet without fail at the Court house on the first day of May, next ensuing to take under consideration matters of the greatest Importance Respecting their existance as Freeman—It is wished the Gentlemen of the Vestry were appointed to meet the same day at the same place as their advice and concurrence is much desired.

The second day of May is appointed for General Muster at the same place when all officers of the militia Volunteer Companies & others are ordered to attend as they wish well to themselves & Country.

The Freeholders are Requested to meet the same day to choose Delegates who are to continue for one year to represent them in Colony Convention.

ADAM STEPHEN.‡

[CERTIFICATE IN REGARD TO NOTICE OF ELECTION.]

Mr. Hill having some objections to the Method that was taken

* The first four papers relate to a disputed election case in Berkeley county, Va. On July 27, 1775, the Convention declared the election irregular and ordered a new one.

† Probably this was a written notice posted in various places in the county.

‡ Adam Stephen, Colonel of a Virginia regiment in the French and Indian war and served with distinction; was a Colonel in the Continental Line, was at Trenton, Brandywine and Germantown, and was promoted major-general. He was accused of intoxication and dismissed from the service.

of advertising the Election of Provincial Delegates for this County desir'd me to certify what I know of the matter. I do therefore Certify that there never was any advertisement given me to publish, tho' I have four places of divine Worship to attend in this County. The within Advertisement I saw at the Church Door on Sunday the 24th Day of April last after I came out of Church and was informed that it was set up before divine service began & there I found it last Sunday when I took it down : Given from under my hand this 23rd day of May, 1775.

DANIEL STURGES,
Rect'r of Norborne Parish in Berkeley C'ty.

[PETITION OF FREEHOLDERS OF BERKELEY COUNTY TO THE
CONVENTION, 1775.]

To the Honourable the Moderator and the Delegates of the
Colony of Virginia in Convention assembled :

The Petition of the Freeholders of the County of Berkeley Humbly sheweth That it being represented to the Inhabitants of the Colony by the late Convention that the State of publick affairs rendered it indispensably necessary for each County in the Colony to Elect two Delegates to represent them the ensuing year with full powers to make all such Regulations for the Conduct of the Colony from time to time as might be found expedient. That your Petitioners conceive at a Time when the greatest dangers seem to threaten the whole Continent with the total Destruction of what ought to be esteemed in Life it behoves the Inhabitants of each County to be particularly attentive to the Choice they make of persons who are to guide and direct their Country in times of such Difficulty and Distress, To which End they apprehend the most publick notice of the time and place of Election ought to be given to the Inhabitants of each County that the whole Inhabitants might be apprized of a Transaction of such Consequence to them and further that such a Period should be fixed for the Election from the time of notice that they might have it in their Power to canvass and consider the merits and abilities of such persons as might be proposed for their Choice, That an entire Disregard

to those two essential points (by which a person who is altogether improper at this time has been returned to represent this County) oblige your Petitioners to trouble your Honors with a state of the Transaction upon the occasion.

That Colo. Adam Stephen without consulting any person in the County as far as your Petitioners have been able to learn arrogated to himself the sole power of appointing the time of Election and notifying it to the public. That the time fixed upon by him for the Election succeeded so quickly to the Notification and the Notification was given in so partial and private a manner that a great number of Freeholders did not hear of the Election until it was over and many of those who did attend were not acquainted with it till the very day of the Election.

That many of your Petitioners who were present could view these measures in no other Light than a scheme laid by that Gent to procure himself to be elected against the general sense of the Country which they openly declared and requested that another day might be appointed for the purpose or if that should not be judged expedient that the Poll might be kept open till a succeeding day that proper notice might be conveyed to those who were as yet unapprized of the Election, a proposal which your Petitioners conceived no persons of Candour could make the least objection to. However, Colo. Stephen refused to adopt either of the measures and imperiously declared that he viewed himself as duly elected and whatever might be the opinion of the County was determined to attend whenever a Convention should be summoned which induced many to submit to the Proceedings of the Day.

That your Petitioners conceive this to be a most daring and violent attack upon their Liberty of Suffrage at a time when the publick Voice in all matters referred to them ought to be collected in the most free, open and unbiassed manner, and therefore hope that you'll take the same under your Consideration and refuse the said Colo. Stephen a seat among you untill a free and open Election may be procured in the said County.

And your Petitioners shall pray, &c.

Jacob Hite,
Joseph Barny,

Samuel Kerchevall,
William Morgan,

John West,	Edward Lucas, Jun.,
John Rion,	William Darke,
Horatio Gates,	Daniel Schanebley,
Peter Burr,	Cornelius Thompson,
William Lucas,	George Cloak,
Mickel Ingel,	Andrew McCarmick,
Daniel Hendricks,	John Strode,
Philip Engle,	Wm. Vestall,
Timothy Sewell,	Henry Schutz,
Martin Walford,	Heinrich Fink,
James Morris,	Michael Hentzel,
Walter Baker,	Mardin Endler,
Adam Endler,	John Sewell,
John Taylor,	Thomas Crow,
Samuel Taylor,	Phillip Thyts,
Gerry Smid,	Peter Wals,
Robert Lonery,	Jacob Israel,
Edward Lucas, Senr.,	Isaac Israel,
Adam Moler,	Nicholas Hain,
Casper Pettels,	George Bishop,
Wm. Morgan, Capt.,	Thomas Hart, Sr.,
Andreas Hieronymus,	Thomas Hart, Junr.,
George Hoegels,	Jeremiah Stillwell,
James Hendricks,	Michal Billmires,
Moses Tullis,	Robert Lemen, Junr.,
George Hant,	Nicodemus Purck Dull,
Jacob Coons,	Thomas Pearce,
Heinrich Enlers,	Henry Hanes,
Henry Strup,	Melser Pope,
Thomas Nelson,	Thomas Worly,
Thomas Hall,	John Jamyson,
Adam Birker,	Adrian Wynkoop,
George Maret,	Benjamin Blackford,
William Strup,	Michail Bedinger,
Caspar Sever,	Jacob Wren,
John Smith,	Michael Welsh,
Jacob Miller,	Michael Engel,
John N. Alvin,	Joseph Swearer,
Jonathan Britton,	Benoni Swearer,

William Right,	Wm. Brown,
Abel Morgan,	John Swearer,
John Nowland,	Henry Etter,
Wm. Morgan,	Thomas Swearer,
William Hall,	John Gentt,
James Keith,	John Jannuste,
Anthony Gholson,	Michael Blene,
Ulric Nachmann,	Samuel Roberts,
George Ludwig Rosenberger,	Thos. Rutherford,
John Hite, Junr.,	Joseph Hite,
Wm. Coyle, (X) his mark.	

[PROCEEDINGS OF BERKELEY COUNTY COMMITTEE,
JUNE 1775.]

At a meeting of the Committee for the County of Berkeley at the Court house on the Second Wednesday in June 1775.

According to Adjournment. Present 15 Members. A copy of a petition to the Colony Convention which this Committee were Informed was promoted by Jacob Hite and Thomas Hite setting forth "that there was not proper notice given to the freeholders for an Election of Delegates to represent this County in the said convention for one year and that Colo. Adam Stephen had appointed the day for the same in an arrogant manner, &c.," being read *Resolved*, that (upon enquiry) It appears to this Committee that the sd. Adam Stephen in appointing the day for the said Election acted by the advice of several members of this Committee.

Resolved, that it is the opinion of this Committee that the day appointed for the said Election was very proper for the same it being the day appointed for a General Muster of the Militia and the next succeeding day after the setting of the Committee & Vestry and that by reason of the publick notariety thereof a numerous & Respectable body of the freeholders appeared and voted on the said Election and this Committee further Considering that the subject of this petition upon a motion made to the Committee on the day of Election who were then sitting by the sd. Jacob Hite & Thomas Hite by the Consent of all the Candidates had been twice Referred and as

often determined by a majority to be a fair Election. Therefore we cannot help thinking That the said petition is groundless and only tends to create Jealousies and Divisions in this County.
A copy.

PHIL. PENDLETON, Cl'k,
Commrs.

[PETITION FOR A FERRY IN AMHERST COUNTY.]

June 5, 1775.

To the Honorable the Speaker & the Gent of the House of Burgesses.

The Petition of the Inhabitants of the County of Amherst on Harris's Creek & the parts adjacent thereto Humbly Sheweth.

That your Petitioners have frequently business at Bedford Court & that having the Fluvanna River* to Cross in their way thereto are for the convenience of Crossing at a Ferry, obliged to go greatly out of their way or be under the necessity of Swimming their Horses which from its being a large & rapid stream is not only very inconvenient but dangerous. That a Ferry being established a Cross the same & at or near the lower end of Henry Trents plantation on the North side in the County of Amherst, to the opposite land of Nicholas Davies in the County of Bedford would not only be convenient to your petitioners by having an opp'ty of going the most direct way, but also to travellers in Crossing the Country & cannot as we conceive be in the least prejudicial to any person as the land through which the roads will go too & from the same are mostly Barran & unfit for Cultivation. Your petitioners therefore Humbly pray that a Ferry may be established & at the place aforesaid & they as in duty bound shall ever pray &c.

James McNey,
James Ownley,
George Weir,
George Finn,
John Tinsley,

John Phillips,
Obodiah Henderson,
Battaile Harrison,
Benjamin Mences,
Larkin Gatewood,

* The James, above its junction with the Rivanna, was then called Fluvanna.

George Mackdaniel
Archibald Cox,
Micajah Goodwin,
John Rucker,
John Hardwick,
Benjamin Rucker,
John Ritchie,
Anthony Street,
David Wade
Jos. Goodwin,
Thomas Street,
Thos. Gillennaters,
Samuel Giles,
Edward Honchin,
James Pendleton,
John Ward,
Richard Powell,
Gab'l Penn,
Wm. Johns,
Richa'd Shelton,
Dudley Gatewood,
David Shiphord,
John Bonny,
Henry Franklin, Jr.,
David Woodwax,
Chas. Miller,
John Harrison,
Edmond Pendleton,
Joshua Shelton,
William Whitsett,
John Henry Goodwin,
John Bonds,
James Crews,
Ballenger Wade,
Matthew Harris,

George Lee,
William Penn,
John Sale,
James Menns,
Moses Penn, Jun'r,
John Ownley, Jun'r,
Richard Harrison,
Reuben Cowhard,
William Paterson,
Edward Tinsley,
Henry McDaniel,
Joshua Tinsley,
Wm. Whitton,
Jno. Morsett,
John Franklyn,
Ambrose Rucker,
John McDanill,
John Burford,
Thomas Lumpkin,
William Staton,
John Giles,
Isaac Tinsley,
Richard Pond, Jun'r,
Thomas Powell, Jun'r,
Jas. Franklyn,
William Hugh,
John Floughin,
Joseph Fost,
Thomas Wartors,
William Banks,
Thomas Jenkins,
John Jenkins,
Joseph Crew,
John Goodwin.—79

[*OCONOSTOTO TO ———.]

June 24th, 1775.

Dr. Friends & Brother.

Now I am going to let you know what has happen since I went to see to our Brothers the white people, at long Cain & Mr. Cammeron. That some Two Evil disposed Malicious of our men has killed Two of your men, which accident we are very sorry for and as there is some evil minded people amongst Whites that will not adhear to the law but according to their own Malicious suggestions Commit murder or any Mischief they see Cause in spite Thereof, we Therefore are in hopes the whites our Brothers will rest fully assured & satisfied That we utterly abhor & disallow all such proceedings & as it is our ardent desire to live in perpetual peace & friendship with our Brothers the Whites we shall use all assidious means we Can to bring the perpetrators of so unnatural & atrocious a Crime to Condign punishment as soon as possible, in Consequence of which we are in hopes our Brothers the whites will lay aside all Thought of revenge and & Bury the remembrance of the late Transaction in oblivion & we humbly request the favour of you, our Brothers to send us an answer by the first oppy. while we remain your loving friends & Brothers &c. &c. &c.

The great Warrior,

Chotah.

P. S.—& in a further Token of our love and desire of peace we will send the little Carpenter in soon to Aver the Truth thereof.

Oconestoto.

[† WESTMORELAND CO., PA., COMMITTEE TO ———.]

Gentlemen :

1775.

We have this Day met and Constituted our Brethren in Committe for our County concerning the present dangerous dispute Subsisting this long time between the Colonies of Virginia

* On July 27, 1775, the journal of the Virginia Convention records that a letter from "Oconostoto, the great Indian Warrior was laid before the Convention and read," and referred to a committee.

† This and the next two papers relate to the Virginia and Pennsylvania boundary dispute.

and Pennsylvania and as we Repose Confidence in these Gentlemen members of your Committee that you will Maturely, Deliberately and honestly consider the Injuries that daily arise from these Disputes to Every Inhabitant of this young and once Peaceable, unanimous and very prosperous country. We have thought it prudent in order to have animosities and Feuds of Every Kind as well as Jealousies, Hostilities and Violent proceedings Entirely Removed to propose to your Honourable Chamber a Treaty of Peace and Reconciliation by settling a Temporary Line or Boundary as soon as Possible. We have appointed Mr. James Kinkead, a member of our Committee to attend on your Honors and will expect the sence of your Chamber by him at his Return next Tuesday we meet to Receive your answer, and will proceed further agreeable thereto.

Signed-by order of the Committee,

JOHN PROCTOR, Chairman.

A Copy :

JAMES BERWICK,

Cl'k to the Com'tee of West Waters.

Wesmoreland County Committee Chamber, 29th June, 1775.

[WEST AUGUSTA, VA. COMMITTEE TO WESTMORELAND CO.,
PA., COMMITTEE.]

Gentlemen:

We are now to acknowledge the receipt of your Letter of the 29th of June of Mr. Kinkead and are very sensible of the distress'd and unhappy situation of the People on this Side of the Laurell hill arising from the causes which you have mentioned. We have considered the subject with that maturè deliberation which a matter of so much consequence deserves, and are earnestly desirous of contributing everything in our Power to restore peace and Tranquility to this unfortunate County.

But we are fully convinced the mode that you prescribe for that purpose by striking a Temporary line far exceeds the power of a Committee and can only be effected by the Executive powers of both Governments, Therefore the only method in our power to accomplish so desirable an end must be by a Joint petition sign'd without distinction by all the Inhabitants to the Westward of the Laurel Hill to the Governors

of Virginia and Pennsylvania, beseeching them to have a Temporary line drawn as soon as possible and as we have Resolved on this mode of proceeding if agreeable to you be assured we will use every endeavour and influence to expedite the Petition and promote its success. As no community can subsist without a due submission to the civil Laws the people residing within the Limits ascertained by Lord Dunnmore's Proclamation must untill the prayers of the Petition is obtained be amainable to the Laws of Virginia, The civil majestrates of which Colony we are fully determined to support in the execution of their offices as the only security for the welfare of the People.

This to every disinterested and unprejudiced person must appear to be the most probable means of restoring Harmony and Tranquility to his Country for whilst the two Governments are contending for the jurisdiction daily outrages will be committed the Rights of the people violated as evidently appears from some very recent instances.

You can not but be sensible that his Majesty has the undoubted authority & Dominion over all his Territorys and a Right to all quit rents, &c., where it does not appear that he has precluded himself by his Royal Grant, Therefore untill the proprietors of Pennsylvania make it Evidently appear in Legal, Judicial manner that their Grant doth include this Country the Inhabitants ought not to be subject to the Laws, &c., of that Government. To remove every doubt of our sincere intentions for the Public good we here with send you two Resolves the first of which proves at least that we have not been wanting in that particular and the latter empowers each District or Township to send members to represent them in this Committee.

We are Gentlemen

Signed, JOHN CAMPBELL, &c.

A Copy :

July 3d, 1775.

JAMES BERWICK,

Cl'k to ye Committee of the *Western Waters*.

[PENNSYLVANIA COMMITTEE TO VIRGINIA COMMITTEE AT
PITTSBURGH.]

Hannahs Town July 3d, 1775.

GENTLEMEN :

Your Letter without date in answer to ours of the 29th, Ulto. by Mr. Kinkaid we have received. The subject of that Letter certainly deserved that mature deliberation you are pleased to say you have bestowed upon it as the peace & Tranquility of the Country are intimately connected with it.

We did not mean to lead you into a discussion of the powers of Committees it would be difficult perhaps to ascertain them, your Gentlemen we supposed were the representatives of the People West of Laurel Hill who acknowledge the Jurisdiction and wish to live under the Laws of Virginia we are the representatives of those who submit to the Government of Pennsylvania in that capacity we conceived there would be no impropriety in our consulting upon and fixing some boundary line convenient for both on the several sides of which the respective Laws and forms of Government to which our several constituents had been accustomed might have operated and by that means the great obstacle to our uniting in the common cause of Liberty removed.

Gentlemen we have not forgot the first rise of the dispute that now subsists between the Colony of Virginia & Pennsylvania nor are we afraid of being charged with want of candour when we say that it was owing to the Avarice of some Individuals and to the Villiany of others with which we make no doubt some of your Committee are very well acquainted. That their Designs unhappily coincided with the passions & prejudices of a Weak Governor and the vices of an inciduious and wicked Ministry inimical to the rights of Mankind and of the Americans in particular and ever has been our opinion that that Dispute was set on foot on purpose to forward their Views and by involving two Great Colony's in a Quarrel about Territory detach them from the common Cause or at least prevent their giving their proper attention to it.

A Joint Petition to the different Governors to establish a temporary line signed without distinction by all the Inhabitants

Westward of the Laurel Hill we think an absurdity, separate Petitions would probably produce no effect as we know the Governor of Virginia has repeatedly rejected such a proposal from the Governor of Pennsylvania.

The positive institutions of every Society are certainly binding upon the Members of that Society and a power to compel obedience is necessarily incident but how Lord Dunmore's Proclamation is to give authority from this position or how his intrusion into the possessions of, seizing the Government of a Society which never made any compact with him nor owes him obedience are to be justified by it we do not discover the Jurisdiction of Pennsylvania in this Quarter of the Country has been confirmed by the highest authority and cannot be Suppressed by any act of the subordinate nor will Ten Thousand Proclamations alter the nature of the Case or render our Inhabitants amenable to the Courts of Virginia.

We entreat you to reflect upon the cause which has call'd all America into arms part of it certainly is the wanton abrogation of Established constitutions that had been entered into by the mutual consent of the crown and the People. America is now Banded to procure the restitution of the Antient Form of Government in the Massachusetts Bay and we pray you to believe whilst we are ready to assist that Colony in repelling the Incroachments of the crown we will not suffer another to obtrude their Government upon us. The Majistrates of every Country ought to be supported in the Execution of their very important office & we shall not be behind Hand in affording those of our Government every necessary continuance.

The Bounds of a Letter (nor indeed the design of this) will not allow us to enter into the Question of Precedence or how far the granting of it to Virginia might contribute to restore Harmony and Tranquility to this Country we conceive it foreign to the purpose. Suffice it to say the Right of Persons & the Property of the People have not only recently but for a length of time by past been violated in so open & outrageous a manner by officers pretending to act under the Authority of Virginia as has been sufficient to create the utmost abhorrence and detestation of that Government and that those men being continued in their office unproved reflects the greatest Disgrace upon the

executive power of that Country. The Kings Authority & Dominion over all his territory and His right to Quit rents are distinct in themselves and arise from very different considerations why they are classed in your Letter or why introduced at all we cannot imagine nor is it easy to understand the sequel of that paragraph. The Crown has not yet charged Proprietors of Pennsylvania with Incroachment when it does there is no doubt that they will make it evidently appear in a Legal & Judicial manner that they have not extended the Laws, &c. of their Government beyond their just limits and that consequently the People owe neither obedience nor Quit Rent to Virginia.

When your resolves have consistency they may possibly convince us that you suppose that we have common sence but whilst they are evidently otherwise whilst a vote of thanks to such a paracide as George Gibson for an action acknowledged by Himself to be contrary to the Laws of His Country disgrace Your minutes you will hardly persuade us of your sincere Intentions for the Publick Good.

Your Letter with a Copy of his answer we shall immediately transend to the Continental Congress. We are Gentlemen your very Humble Servants.

Signed by order of the Committee,

JAMES KINKAID, Clerk.

[Endorsed] To the Committee at Pittsburgh.

A Copy : JAMES BERWICK,
Clerk of the Com'ee of Augusta,
West of the Laurel Hill.

[DEPOSITION OF JOHN GIBSON IN REGARD TO DELAWARE INDIANS.]

Augusta County S. S.

Personally appeared before me John Gibson one of his Majesties Justices for the County of Augusta, Garet Pendergrass, who being sworn on the Holy Evangelists of Almighty God Deposeeth and Saith that he left the Delaware towns, on Muskingam on Monday last, that he was informed there By some

of the Delawares that a number of their people had lately come from Detroit, that one Babee a french Trader had held a Council with them and that he desired them immediately to strike the White people that the Wiandots and all other tribes would join that he would furnish them and at the same time offered them ammunition for that purpose. He also told them the white people were now quite Round them and Intended soon to fall on the Indians that they told Babee they could not join in anything of the kind as their head men had made a firm peace with their Brethren the English and refused Receiving any ammunition from him and further saith not. Sworn and subscribed this 20th July 1775 at Logstown Garret Pendergrass Junior. Before me.

JNO. GIBSON.

[*PUBLIC MONEY IN THE HANDS OF RICHARD CORBIN,
RECEIVER GENERAL, JULY 26, 1775.]

I Robert Prentis do hereby most solemnly swear before God & on the sacred Evangelist that the sum of three hundred and seventeen pounds fourteen shillings & 2½ is all the Publick money that I have on Hand as Clerk to the Hon'ble Richard Corbin, Esq'r, Receiver General and that I will not directly or indirectly pay away any sum that I have at present by me or may hereafter collect but to such purposes as shall be directed by the convention in pain of confiscation of my whole Estate & being treated as a Traytor to this Continent.

Sworn to by Robt. Prentis before me this 26th Day of July,
1775.

JOSEPH HORNSBY.

* The public money in the hands of Richard Corbin, Receiver General, had been seized as security for the powder which had been removed from the magazine in Williamsburg by Dunmore's order.

(TO BE CONTINUED)